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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,389	06/23/2000	Vladimir Neyman	P/3331-141	1098

7590 06/17/2005

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EXAMINER

KARMIS, STEFANOS

ART UNIT PAPER NUMBER

3624

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/603,389	<b>Applicant(s)</b> NEYMAN ET AL.	
	<b>Examiner</b> Stefano Karmis	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33, 37-46 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33, 37-46 and 48-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment, filed 16 February 2005.

#### ***Status of Claims***

2. Claims 1, 15, 26, 31, 37 and 48-51 are currently amended. Claims 2, 17-19, 30 and 38-48 are previously presented. Claims 3-14, 16, 20-25, 27-29, 32 and 33 are left as originally filed. Claims 34-36 and 47 are cancelled. Therefore claims 1-33, 37-46 and 48-52 are currently pending in this application.

#### ***Summary of this Office Action***

3. Applicant's arguments, filed 16 February 2005, have been fully considered as discussed below. Claims 1-33, 37-46 and 48-52 have been rejected based on the art cited below, and Applicant's request for allowance has been respectfully declined.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-33, 37-46 and 48-52 have been considered but are moot in view of the new ground(s) of rejection.

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-33, 37-46 and 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togher et al. (hereinafter Togher) U.S. Patent 5,375,055 in view of Breen et al. (hereinafter Breen) U.S. Patent 6,615,188.

Regarding independent claims 1, 15, 26, 31, 37, and 48-52 Togher teaches an anonymous trading system for trading fungible instruments between traders, comprising:

a communications network for transmitting electronic messages (column 5, lines 4-39);

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a plurality of order input devices connected to the communications network each for generating electronic order messages including bid and/or offer orders and for communication to a trader of price information received from others of a plurality of trader terminals over the network (column 5, lines 4-39);

at least one matching engine connected to the network for matching orders input into the system from the order input devices and for assisting in executing deals where prices are matched (column 5, line 40 thru column 6, line 11);

market distribution means connected to the network for distributing price messages to the trader terminals, the market distribution means being responsive to the price messages and the matching engine (column 5, line 40 thru column 6, line 11);

a plurality of order input device interface means, each order input device interface means having order input devices representing at least one trading floor connected thereto for communication of electronic order messages to the at least one matching engine and for communication of price messages and deal information messages to the connected trader terminal (column 5, line 40 thru column 6, line 11 and column 6, lines 55-66).

Togher fails to teach the order input device operable to allow a trader to enter a joint execution order comprising two or more linked orders and matching and executing joint orders, performing only one of: execution all of the linked orders of the joint execution order and rejecting all of the linked orders of the joint execution order. Breen teaches an online trade aggregating system in which combined orders are executed as a single transaction (Abstract). Traders are allowed to enter a joint execution order (column 12, lines 1-27 and column 13, lines 41-67). Further, Breen teaches that orders are executed as a single transaction, by only executing

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or rejecting all of the linked orders (column 12, lines 1-27 and column 9, lines 33-61). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Togher and include the aggregate ordering of Breen because both Togher and Breen teach trading in a communication system. Togher teaches trading of a single transactions and Breen teaches trading a combined order as a single transaction. Therefore it would be obvious to anyone of ordinary skill in the art, that Togher could be modified to include this feature and help streamline the trading process while trying to obtain favorable pricing.

Claim 2, Breen teaches a trading system wherein the means for executing a plurality of linked orders comprises means at the matching engine for matching each of the orders comprising a plurality of linked orders and means for rejecting the linked orders if less than all the orders comprising the linked orders are matched (column 12, lines 1-27).

Claims 3, 20 and 21, an anonymous trading system wherein the electronic order messages are invisible hit orders (column 3, lines 52-59 and column 9, lines 15-21).

Claim 4, an anonymous trading system wherein the hit orders are persistent (column 3, lines 52-59 and column 9, lines 15-21).

Claim 5, Breen teaches a trading system comprising a plurality of matching engines, said plurality of matching engines including a taker matching engine connected to the order input

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device interface means to which the order input device submitting the order is connected, wherein the means for matching each of the orders comprising the plurality of orders is located at the taker matching engine (column 11, line 54 thru column 12, line 51).

Claim 6, an anonymous trading system wherein the means for matching and executing a plurality of linked orders comprises means for generating and sending to the matching engine an instruction to match and execute a plurality of linked orders (column 11, line 54 thru column 12, line 51).

Claim 7, Breen teaches a trading system wherein the means for generating and sending to the matching engine an instruction to match and execute a plurality of linked orders includes means for identifying each of the orders to be matched and means for indicating that the orders are linked (column 11, line 54 thru column 12, line 51).

Claim 8, Breen teaches a trading system wherein the means for matching and executing a plurality of linked orders comprises, at the order input device interface means to which an order input device submitting a linked order is connected, means for receiving a message from the matching engine indicating that an order is executable and means for completing each of the orders comprising the plurality of linked orders when executable order messages have been received for each of the linked orders (column 12, lines 1-27).

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Claim 9, wherein the means for receiving executable order messages and for completing each order comprises means for adjusting the amount of one or more of said plurality of orders (column 12, lines 1-27).

Claim 10, wherein the means for completing each of the orders comprising the plurality of linked orders comprises means for simultaneously completing each of the linked orders (column 9, lines 33-61).

Claim 11, wherein the order input device interface means comprises means for converting a single order message input from a connected order input device into a plurality of linked orders (column 13, lines 41-67).

Claim 12, Togher teaches a first and second currency pair. Togher fails to teach aggregate orders. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Togher and include the aggregate ordering of Breen because both Togher and Breen teach trading in a communication system. Togher teaches trading of a single transactions and Breen teaches trading a combined order as a single transaction. Therefore it would be obvious to anyone of ordinary skill in the art, that Togher could be modified to include this feature and help streamline the trading process while trying to obtain favorable pricing.



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Claims 13 and 14, Togher teaches at least one brokering node, each brokering node comprising at least one matching engine and a market distribution means and a plurality of broker nodes (column 5, lines 40-67).

Claims 16-18 and 38-42, Togher teaches a plurality of brokers and connected trading agents comprise means for matching and executing joint execution orders in specified currencies (column 5, lines 40-67 and column 7, line 35-52). Togher fails to teach joint execution of orders. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Togher and include the aggregate ordering of Breen because both Togher and Breen teach trading in a communication system. Togher teaches trading of a single transactions and Breen teaches trading a combined order as a single transaction. Therefore it would be obvious to anyone of ordinary skill in the art, that Togher could be modified to include this feature and help streamline the trading process while trying to obtain favorable pricing.

Claim 19, Breen teaches rejecting the order if the joint execution cannot be matched (column 9, lines 33-61).

Claim 22-25, 27-30 and 43-46, Breen teaches means for providing instructions for joint execution order and completing the joint execution order only when all orders in the joint executions are executable, a credit check is complete and volume of each orders corresponds to

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the volume of the smallest executable order of the joint execution order (column 9, lines 33-61 and column 12, lines 1-27).

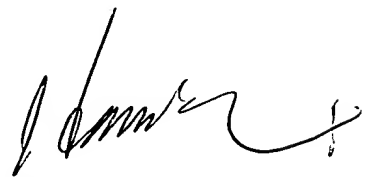
### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
03 June 2005

  
HANI M. KAZIMI  
PRIMARY EXAMINER